IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.MC.No. 4413 of 2003()

CRIME NO.259/2003 OF PUNALUR POLICE STATION

PETITIONER: ACCUSED

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1. NIRMALA DEVI, JEETHU BHAVAN,
SASTHAMCONAM WARD, NEAR SIVAN COVIL,
PUNALUR P.O., KOLLAM.

2. JEETHU, S/O.NIRMALA DEVI, -DO-

BY ADV. SRI.S.MUHAMMED HANEEF

RESPONDENTS: COMPLAINANT

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1. SUB INSPECTOR OF POLICE, PUNALUR
POLICE STATION, (CRIME NO.259 OF 2003 OF
THE PUNALUR POLICE STATION REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SREEDHARAN.N., S/O.NARAYANAN,
SOUPARNIKA, NEAR SIVAN COVIL EMC VI/225,
(OLD VII, 204 A), SASTHAMCONAM WARD,
PUNALUR P.O.

3. PUNALUR MUNICIPALITY, REPRESENTED BY
IT'S SECRETARY, PUNALUR.

BY ADV. SRI.V.N.ACHUTHA KURUP
SRI.BINDU SREEKUMAR
PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl. M.C.No.4413 of 2003-B

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Dated this the 14th day of November, 2007

O R D E R

The petitioners are the accused in Crime No.259/2003 of Punalur Police Station with respect to the offences under Sections 424, 269, 188 read with Section 34 of the Indian Penal Code alleging that the petitioners/accused had removed the closed holes of the chimney which were closed as per the order of the Municipal authorities on the complaint of the de facto complainant that the smoke emanated from the chimney was causing nuisance to him. It is submitted that on the respondent filing an application, as per Annexure A2 judgment, the Single Bench of this Court had directed to implement the order of the Municipal authorities to close the holes of the chimney. The above order was stayed by the Division Bench of this Court vide Annexure 3 order. It is submitted that after the stay order by the Division Bench, the Municipal authorities closed the holes of the chimney and contempt proceedings was initiated by the petitioners herein. On getting notice of the contempt proceedings, the Municipal authorities themselves removed the things from the holes of the chimney and it is then that the respondent lodged the F.I.R alleging the above offences. It is also submitted that the petitioner has sold out the property and left the

place. It is also submitted that the person who ought to have initiated the proceedings is the Municipal authorities whose order have been allegedly disobeyed.

2. In the circumstances and considering the nature of the offences alleged and the situation at present, which has not been disputed, I find that no purpose will be served by further proceeding with the matter. Hence, the further proceedings in Crime No.259/2003 of Punalur Police Station is herewith quashed. The Crl.M.C is allowed.

K.R.UDAYABHANU,
Judge

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